

# POLICY & PROCEDURES LETTER

<b>Title:</b> <b>Sexual Harassment Policy</b>		<b>PPL#:</b> 04-0002
<b>Policy Owner:</b> Human Resources Division/EEO Unit	<b>Issue Date:</b> August 20, 2003	<b>Section #:</b>
<b>Date of Last Review/Revision:</b> October 2000		<b>PPL Review Date:</b> December 31, 2003

## Director's Directive

As directed by the Director, this Policy and Procedures Letter (PPL) takes effect immediately. A final version of the Equal Employment Opportunity (EEO) Sexual Harassment Policy along with a final version of the Procedures associated with the role of the EEO Unit, filing a harassment complaint, and the investigation process will be released later this calendar year.

### 1 POLICY STATEMENTS

- A. **The California Conservation Corps (CCC) is committed to providing a workplace where all individuals are treated with respect and professionalism.** Consistent with this commitment, it is the policy of the CCC to provide a workplace that is free from all forms of discrimination, harassment, including sexual harassment, and retaliation. Under this Sexual Harassment policy, CCC employees are prohibited from engaging in conduct that:
- Rises to the level of sexual harassment in violation of State or federal law;
  - Is sexual in nature, unprofessional and disrespectful, and while not unlawful may or may not contribute to an intimidating, offensive or hostile work environment.

The CCC will strictly enforce this policy because all forms of sexual harassment are unprofessional and disrespectful and not acceptable in any work environment.

To the extent that non-CCC employees, including, but not limited to, volunteers, interns, applicants for employment, contractors and third parties, engage in the prohibited behavior, the CCC will apply the principles of this policy. In addition, CCC will take necessary action, if possible, to implement consequences for violations of this policy by non-CCC employees.

- B. **Conduct that violates the Sexual Harassment Policy** – An employee may violate this policy if he/she engages in conduct that is harassing of, or unprofessional or disrespectful towards another person based on the protected characteristic of sex or sexual orientation. This policy may be violated even if the conduct is limited to one act, does not rise to the level of violation of State or federal law, and may or may not contribute to a hostile work environment. In addition, conduct in violation of this policy may occur between male and female employees as well as employees of the same sex.

The Sexual Harassment policy applies to conduct when the employee is at work, or considered to be at a workplace of any CCC employee, as well as any location that can reasonably be regarded as an extension of the workplace, such as an off-site work project, CCC sponsored social or business function, or any other non-CCC facility where CCC business is being conducted. Further, this policy applies to work-related conduct, including conduct while off-duty, if such conduct negatively affects the work environment or the CCC.

Sexual harassment generally is defined under State or federal law as unsolicited and unwelcome sexual advances, requests for sexual favors, and other verbal, physical, or visual conduct of a sexual nature that interferes with work performance by creating an intimidating, hostile, or offensive work environment.

Conduct or communications by an employee that may constitute sex discrimination or sexual harassment in violation of federal or state law includes:

1. Conduct or communication of a sexual nature that is made either explicitly or implicitly as a term or condition of employment;
2. Conduct or communication exhibited in response to submission or rejection of a request of a sexual nature that is used as a basis for employment or service decisions that will have a negative or positive affect on the individual who submitted or rejected the request;
3. Conduct or communication of a sexual nature that has the potential to affect an individual's work performance negatively and/or create an intimidating, hostile or offensive work environment.

Prohibited conduct that may violate this policy includes, but is not limited to, the following:

1. Unwanted or unwelcomed sexual advances or pressure. This may include, but not be limited to, situations which began as a mutual and consensual attraction or relationship but later ceased to be mutual or consensual;
2. Demands for sexual favors in exchange for favorable treatment, or continued employment including, but not limited to, appointments, promotions, transfers, assignments, or performance appraisals;
3. Coerced sexual acts;
4. Visual demonstration or verbal commentary of a sexual nature that may include derogatory or demeaning comments or slurs, sexually explicit jokes, comments about an individual's body or physical appearance, sexual prowess, or sexual deficiencies, suggestive or obscene remarks or practical jokes;
5. Visual and physical conduct of a sexual nature that may include leering, whistling, touching, pinching or grabbing, intentionally blocking or impeding movements, intentionally brushing up against another individual, rape or assault;
6. Posting, sending or downloading derogatory or demeaning materials of a sexual nature or sexually suggestive or explicit materials in any form by any means of transmission including facsimile, electronic mail, or the internet. This includes displaying sexually suggestive objects, cartoons, or posters;

7. Any other conduct that may create or contribute to an intimidating, offensive or hostile work environment.

C. **Responsibilities of Employees** Each CCC employee has an obligation to assist in creating a professional and respectful work environment. All CCC employees, which for purposes of this policy include civil service employees, corpsmembers and special corpsmembers, are required to:

1. Adhere to this policy;
2. Refrain from engaging in, condoning or tolerating conduct that violates this policy;
3. Cooperate in an investigation, hearing or proceeding regarding an alleged violation of this policy;
4. Attend sexual harassment training as mandated by the Director, or his/her designee;
5. Review this policy and seek assistance from the EEO Unit if the employee does not understand any of the provisions in this policy;
6. Maintain confidentiality and not discuss any information involving an alleged violation of this policy, except with a personal representative, individuals who are authorized to inquire about or investigate the allegations, or individuals on a "need-to-know" basis.
7. Refrain from engaging in any retaliatory conduct against an individual who has reported an incident or behavior that may be in violation of this policy or has participated as a witness in an investigation or administrative proceeding.

Employees should report known or observed incidents or behavior that may be in violation of this policy to their supervisor, if possible, or to another supervisory or managerial employee such as a Supervisor of Corpsmember Development Program, Conservation Supervisor or the Center Director, or filing an Incident Report Form or by contacting the EEO Unit.

D. **Consequences for Employees** – An employee may be subject to appropriate corrective or disciplinary action, up to, and including termination, when it has been determined that an employee has violated this policy whether or not the conduct violates State or federal law. In addition, an employee, determined by a court of law to have violated State or federal law, may be held personally liable for his/her conduct. In appropriate cases, an employee found to have violated this policy may not receive legal representation at the expense of the CCC, if named as an individual defendant in a lawsuit. An employee will not be disciplined nor retaliated against for reporting information, participating in an investigation or administrative proceeding, or filing a complaint in good faith.

- E. Responsibilities of Supervisors and Managers** - Supervisors and Managers are responsible for maintaining professional standards that promote a work environment free from sexual discrimination, harassment and unprofessional or disrespectful conduct of a sexual nature. For purposes of this policy, "supervisor" includes Conservationist 1 staff as well as employees in civil service classifications designated as supervisory or managerial.

Supervisors and Managers shall:

1. Know, adhere to, and enforce this policy;
2. Exhibit professional conduct on a daily basis consistent with the intent of this policy to provide a work environment free from sexual harassment;
3. Take proactive measures to prevent conduct in violation of this policy;
4. Be considered on "NOTICE" of conduct that may violate this policy by personal observation or verbal or written notification from an individual;
5. Take prompt and appropriate action, if possible, to stop conduct that may violate this policy regardless of how, when, or where the information is presented to the supervisor;
6. Take prompt and appropriate action to ensure that an individual who has reported an incident or behavior that may be in violation of this policy or has participated as a witness in an investigation or administrative inquiry is not subject to any retaliation;
7. Report known or observed incidents or behavior that may be in violation of this policy to his/her supervisor, if possible, or to another civil service supervisor or manager, or filing an Incident Report Form or by contacting the EEO Unit. ;
8. Ensure that employees under his/her supervision have attended mandated training, received a copy of this policy, and understand the contents of this policy; and
9. Review the contents of this policy with his/her employees as directed by the Director or his/her designee.

- F. Consequences for Supervisors and Managers** - Supervisors and Managers may be subject to appropriate corrective or disciplinary action, up to and including termination, for his/her conduct that has been determined by the CCC to violate this policy, whether or not the alleged conduct is in violation of State or federal law. In addition, a supervisor or manager determined by a court of law to have violated State or federal law may be held personally liable for his/her conduct. In appropriate cases supervisors and managers found to have violated this policy may not receive legal representation at the expense of the CCC, if named as an individual defendant in a lawsuit.

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H. Wes Pratt  
Director